

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNETH MARSHALL,

Petitioner,

v.

WARDEN, PICKAWAY
CORRECTIONAL INSTITUTION,

Respondent.

CASE NO. 2:14-CV-812

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

OPINION AND ORDER

On June 30, 2015, *Judgment* was entered dismissing the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 34.) On August 10, 2015, the Court denied Petitioner's *Motion for Relief from Judgment*. (ECF No. 45.) Petitioner has filed a second *Motion for Relief Judgment*, which is now before this Court. (ECF No. 53.) As previously discussed, however, the case remains pending on appeal with the United States Court of Appeals for the Sixth Circuit, regardless of this Court's denial of Petitioner's request for a certificate of appealability. The Court therefore lacks jurisdiction to consider Petitioner's motion. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). The **DENIES** the *Motion for Relief from Judgment*. (ECF No. 53.)

IT IS SO ORDERED.

/s/ Gregory L. Frost

GREGORY L. FROST

UNITED STATES DISTRICT JUDGE